

Clerk, U.S. District Court  
Southern District of Texas  
FILED

APR 09 2015

A091 (Rev. 8/01) Criminal Complaint

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V. Antonio  
~~Marcos Antonio Villarreal~~ Amended 4/14/15  
AKA: Mark Anthony VASQUEZ per JBL

## CRIMINAL COMPLAINT

Case Number: C-15-404M-1

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 4/7/2015 in Kenedy County, in the

Southern District of Texas defendant(s) **Marcos Anotnio Villarreal**

did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Border Patrol Agent and that this complaint is based on the following facts:  
Official Title

See Attached Affidavit of U.S. Border Patrol Agent **Marvin Williams**

Continued on the attached sheet and made a part of this complaint:

☒ Yes☐ No

Signature of Complainant

**Marvin Williams**

Printed Name of Complainant

Sworn to before me and signed in my presence, and probable cause found on:

April 9, 2015

Date

at

Corpus Christi, Texas

City and State

Jason B. Libby, U.S. Magistrate Judge

Name and Title of Judicial Officer

Signature of Judicial Officer

## AFFIDAVIT

The information contained in this report/affidavit is based upon my personal participation in the investigation, which included, but is not limited to information related to me by other agents and officers participating in the investigation.

On April 7, 2015 at approximately 9:15 p.m. Marcos Antonio VILLAREAL was apprehended at the Sarita, Texas United States Border Patrol Checkpoint attempting to smuggle one undocumented immigrant by use of a motor vehicle.

On Tuesday, April 07, 2015, Border Patrol Agent Miguel Mendoza was assigned to primary inspection duties at the Kingsville, Texas Border Patrol Checkpoint near Sarita, Texas. Assisting Agent Mendoza during his time working on primary was BPA Gregorio Reyes and his K9 partner Maya. At approximately 9:15 p.m. BPA Mendoza observed a GMC pickup truck approach his position at the primary lane for an immigration inspection of its occupants. Agent Mendoza was conducting an immigration inspection the driver, later identified as Marcos Antonio VILLAREAL, who stated he was a United State Citizen and was heading to Houston, Texas to visit his dad in the hospital. During this immigration inspection, Agent Reyes advised Agent Mendoza his K9 partner Maya had alerted to the vehicle. Agent Mendoza then asked VILLAREAL for consent to search his vehicle to which VILLAREAL nodded his head and said "ya its cool". Agent Mendoza then instructed VILLAREAL pull his vehicle into the secondary inspection area for further inspection.

Once in the secondary inspection area, Agent Reyes conducted a search of the vehicle assisted by his K9 partner Maya. Agent Reyes indicated to Agent Mendoza that his K9 partner alerted and indicated to the rear seat during this inspection. Agent Reyes then conducted an inspection of the interior of the truck and discovered a subject, later identified as Claudio LOPEZ-Zunun, attempting to hide on the floor under black plastic bags containing clothing. Agent Reyes interviewed LOPEZ and determined him to be a citizen of Mexico who illegally entered the United States. At that time, VILLAREAL was placed under arrest for Alien Smuggling. LOPEZ was placed under arrest for his illegal entry into the United States. Both VILLAREAL and LOPEZ were then taken inside the Border Patrol Checkpoint for further interviewing and processing.

### MIRANDA WARNINGS:

VILLAREAL was read and signed his Miranda Warnings as per service form I-214. The rights were read, in the English language, by Agent Mendoza and were witnessed by Agent Joel Carrillo on April 07, 2015, at approximately 9:33 p.m. VILLAREAL stated and signed that he was willing to make a statement and answer any questions asked of him.

### PRINCIPALS STATEMENT:

VILLAREAL stated he was coming from Edcouch, Texas and was driving to Galveston, Texas to visit his dad in the hospital. While driving to Galveston, VILLAREAL claims to have stopped at a Stripes convenient store in Raymondville, Texas to refuel his vehicle. VILLAREAL further stated he encountered LOPEZ while he was refueling in his vehicle at this Stripes gas station. VILLAREAL stated he was approached by LOPEZ who asked for a ride to San Antonio, Texas. VILLAREAL stated he agreed to give LOPEZ a ride at that time and told him to get in the back seat. VILLAREAL stated he was just going to drop LOPEZ off somewhere because he was not traveling to San Antonio. During the drive from the gas station to the checkpoint, VILLAREAL stated he was told by LOPEZ that was illegally present in the United States. At that point, VILLAREAL claims he told LOPEZ "oh well, you need to hide." VILLAREAL then stated LOPEZ hid himself under the plastic bags and blankets he was found under at the time of his arrest.

**RECORD CHECKS/CRIMINAL HISTORY:**

Records were performed VILLAREAL returned positive criminal history to include a conviction in 2009 for Aggravated Assault with a Deadly Weapon. VILLAREAL was sentenced to four years confinement for this conviction. VILLAREAL also admitted to being a Valluco gang member.

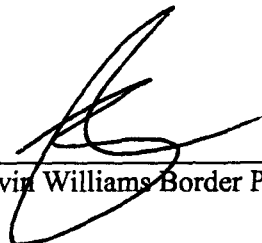
**MIRANDA WARNINGS:**

LOPEZ was read and signed his Miranda Warnings as per service form I-214. The rights were read, in the Spanish language, by Agent Mendoza and were witnessed by Agent Joel Carrillo on April 07, 2015, at approximately 9:41 p.m. LOPEZ stated and signed that he was willing to make a statement and answer any questions asked of him.

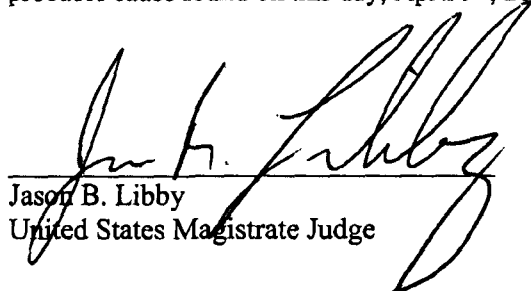
**ALIENS STATEMENTS:**

LOPEZ stated after he illegally entered the United States, he was able to travel north away from the border. LOPEZ claimed he was taken by a lady who he did not know the name of. LOPEZ stated while this lady was driving, she made a phone call to VILLAREAL to meet up. LOPEZ stated the lady arranged for LOPEZ to be picked up at their current location which was on the side of the road. LOPEZ stated upon VILLAREAL's arrival he was told to get in the back seat and hide under the plastic bags by VILLAREAL. LOPEZ stated he was going to Houston, Texas and did not pay VILLAREAL, but thinks his friend Pedro Rodriguez was going to pay VILLAREAL upon arrival. LOPEZ then stated he believes VILLAREAL knew he was illegally present in the United States.

The facts of this case were presented to Assistant United States Attorney Chad Cowan who accepted Marcos VILLAREAL for prosecution of 8 USC 1324, Alien Smuggling. Claudio Geovani LOPEZ-Zunun was held as material witnesses in this case.

  
Marvin Williams Border Patrol Agent

Sworn to before me, signed in my presence, and  
probable cause found on this day, April 9<sup>th</sup>, 2015

  
Jason B. Libby  
United States Magistrate Judge